

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
CHRISTCHURCH**

[2013] NZERA Christchurch 152  
5374129

BETWEEN                      LEFTCLICK LIMITED  
   Applicant  
  
AND                                IAN THOMAS  
   Respondent

Member of Authority:        Christine Hickey

Representatives:             John Shingleton, Counsel for the Applicant and Alan  
   Cox, director of the Applicant  
   Linda Ryder and Jeff Goldstein, Counsel for the  
   Respondent

Costs submissions             From the Respondent on 19 June 2013  
received:                        None from the Applicant

Determination:                29 July 2013

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**COSTS DETERMINATION OF THE AUTHORITY**

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**A. LeftClick Ltd must pay Ian Thomas \$6,500 towards his legal costs.**

[1]     On 27 May 2013 the Authority issued a determination that LeftClick Ltd had breached Mr Thomas' employment agreement and owed Mr Thomas a bonus of \$2,500. LeftClick Ltd was also ordered to pay penalties for breach of contract.

[2]     Mr Thomas has applied for legal costs of \$7,000. His full costs are \$8,500 excluding GST. No submissions on costs have been received from LeftClick Ltd.

[3]     Each case is to be treated in light of its own circumstances. The primary purpose of costs is to compensate the successful party. Mr Thomas was successful in some of his claims and is entitled to a reasonable and modest contribution towards his costs.

[4]     The Authority's jurisdiction to make costs orders is found in clause 15 of Schedule 2 of the Act. Costs are at the discretion of the Authority.

[5] The principles and the approach adopted by the Authority on which an award of costs is made are well settled and were outlined in *PBO Limited (formerly Rush Security Ltd) v Da Cruz*<sup>1</sup> a judgment of the Full Court of the Employment Court. The Court in the *Da Cruz* case also noted that in exercising its discretion the Authority frequently judges costs against a notional daily hearing rate. That notional rate is currently \$3,500 per day.

[6] There are no factors requiring the daily tariff to be increased or decreased. I consider the amount charged to Mr Thomas to be reasonable. Mr Thomas is not applying for his full costs to be awarded.

[7] The hearing took a little under two days. In all the circumstances, having taken into account the principles outlined in *Da Cruz*, I consider that LeftClick Ltd should pay Mr Thomas \$6,500 towards his legal costs.

Christine Hickey

Member of the Employment Relations Authority

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<sup>1</sup> [2005] ERNZ 808